UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/294,956	04/20/1999	INGEMAR J. COX	12558	6648

23389 7590 04/20/2005	EXAMINER
SCULLY SCOTT MURPHY & PRESSER, PC	ZAND, KAMBIZ

400 GARDEN CITY PLAZA		
SUITE 300	ART UNIT	PAPER NUMBER
GARDEN CITY, NY 11530	2132	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 April 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _130-133_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _130-133_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

04/05/2005 has been entered.

2.   The text of those sections of Title 35,U.S.Code not included in this section can be

found in the prior office action.

3.   The prior office actions are incorporated herein by reference. In particular, the

observations with respect to claim language, and response to previously presented

arguments.

4.   Claims 130, 131 and 132 have been amended.

5.   Claim 134 has been cancelled.

6.   Claims 130-133 are pending.

Response to Arguments

7.   Applicant's arguments filed 03/08/2005 have been fully considered but they are

not persuasive with respect to USC 103 rejection.

As per Applicant's arguments with respect to "digital signature", examiner refers

applicant to the language of the claims where the phrase **"for** a digital signature", the

phrase "for" only describe the intention of the usage of "public key" and not the actual

usage.

Claim Rejections - 35 USC § 103

8.   **Claims 130-133** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mauratani et al (6,061,451 A) in view of Ruppert et al. (5,640,002 A).

As per claims 130 and 132 Mauratani et al (6,061,451 A) teach a method, a device

for inserting data into digital data comprising at least one of an image data content

file, a video data content file and an audio data content file (see fig.19 referees to

stream data and fig. 23 disclose both audio and video file; also see associated text)

for subsequent authentication of the digital data (see fig.1 where the authentication

of inserted data digital data that has been received from a network in the form of

scrambled data is being authenticated; col.6, lines 12-19 where the data is

scrambled by scrambled circuit using an scrambled key, the key corresponds to the

inserted data as also shown in col.5, lines 14-16) , the device comprising:

An antenna for receiving data from a radio frequency transmission (see col.5,

lines 20-24 where the data network received may be received from an antenna that

corresponds to a radio frequency that also have antenna transmission and receiver as an inherent part of its system);

Means for inserting the data into the digital data image (see col.5, lines 14-30; col.6, lines 13-20; col.7, lines 65-67; col.8, lines 1-27; also see image data such as mpeg in the entire reference; Also see col.5-28 where different embodiment using above methods and means of claims 130 and 132 are disclosed) but do not disclose explicitly receiving data comprising a public key and insertion of the received data into predetermined bits portions. However Ruppert et al. (5,640,002 A) disclose receiving data comprising a public key and insertion of the received data into predetermined bits portions (see fig. 41 where block 749 discloses sending or receiving of public key, block 751 discloses digital data consisting of serial number and store id and insertion of public key as received data into bit portions that is the encrypted digital data (encrypting using public key), and block 753,757,759 for authentication based on the received data). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Ruppert's public key insertion into digital data and authentication based on such insertion in order to authenticate the digital data in a secure fashion using public key crypto system.

As per claims 131 and 133 Mauratani et al (6,061,451 A) teach a method, a device for inserting data into a digital image comprising at least one of an image data content file, a video data content file and an audio data content file (see fig.19 refers

to stream data and fig. 23 disclose both audio and video file; also see associated

text) for subsequent authentication of the digital image (see fig.1 where the

authentication of inserted data digital data that has been received from a network in

the form of scrambled data is being authenticated; col.6, lines 12-19 where the data

is scrambled by scrambled circuit using an scrambled key, the key corresponds to

the inserted data as also shown in col.5, lines 14-16), the device comprising:

A computer capable of accessing the Internet and receiving data from an Internet

link (see col.8, lines 49-57; col.8, lines 58-63);

Means for inserting the data into the digital image(see col.5, lines 14-30; col.6, lines

13-20; col.7, lines 65-67; col.8, lines 1-27; also see image data such as mpeg in the

entire reference; Also see col.5-28 where different embodiment using above

methods and means of claims 131 and 133 are disclosed) but do not disclose

explicitly receiving data comprising a public key and insertion of the received data

into predetermined bits portions. However Ruppert et al. (5,640,002 A) disclose

receiving data comprising a public key and insertion of the received data into

predetermined bits portions (see fig. 41 where block 749 discloses sending or

receiving of public key, block 751 discloses digital data consisting of serial number

and store id and insertion of public key as received data into bit portions that is the

encrypted digital data (encrypting using public key), and block 753,757,759 for

authentication based on the received data). It would have been obvious to one of

ordinary skilled in the art at the time the invention was made to utilize Ruppert's

public key insertion into digital data and authentication based on such insertion in

order to authenticate the digital data in a secure fashion using public key crypto

system.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kambiz Zand whose telephone number is (571) 272-

3811. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts

to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the

organization where this application or proceeding is assigned as (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Kambiz Zand

04/16/2005